



AMERICAN HUMANIST ASSOCIATION

July 19, 2004

Oppose H.R. 3313, the “Marriage Protection Act of 2003”

Dear Representative,

The American Humanist Association (AHA) joins with a diverse coalition of organizations, legal scholars, citizens, and elected officials to stand in opposition to H.R. 3313, the “Marriage Protection Act of 2003,” which would prevent federal courts from hearing cases challenging or interpreting any Defense of Marriage Act (DOMA) cases. We at the AHA call upon you to vote against this dangerous act, which would compromise the long held American legal principles of equal protection, due process, and separation of powers.

If passed, the “Marriage Protection Act” would set a dangerous precedent denying an entire class of American citizens, in this case, gays and lesbians, the right to access federal courts to challenge a piece of legislation. The DOMA, which has been adopted by 38 states and the federal government, defines marriage as between a man and a woman and protects states from having to recognize marriages legally preformed in other states that do not satisfy this model. The proposed legislation therefore represents a double assault, strengthening the DOMA and compromising gays and lesbians’ access to the federal courts.

The “Marriage Protection Act” is also loaded with due process concerns. Throughout their long history the federal courts have always served as an avenue for judicial review. This issue is particularly salient in that the DOMA affects millions of American citizens who would be left with little recourse to challenge it. This bill would undercut the vital independence of the judiciary and circumvent the federal courts that are uniquely prepared to interpret federal constitutional concerns.

Finally, the “Marriage Protection Act” presents a serious separation of power concern. The role of the court, especially the federal court, is to serve as a check on the actions of Congress and the Executive branch. Additional constitutional concerns are raised when an attempt is made to block the courts from reviewing and interpreting the constitutionality of a single act, which both sides admit rests on dubious grounds. Congress should not disrupt the balance of power intended by our Founding Fathers.

Because the “Marriage Protection Act” undermines so many principles that are fundamental to the character of our country, this bill amounts to changing the Constitution without amending it. In the past Congress has always rejected attempts to withdraw controversial issues from the scope of federal courts and the AHA encourages you to do so again at this important juncture. We urge you to defend equal protection, due process, and separation of powers and please vote no on the “Marriage Protection Act.”

Sincerely,



Mel Lipman
AHA President